



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, June 10, 2009

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Dunaway called the meeting to order at 7:02 p.m.

INVOCATION:

Mayor Dunaway called upon Council member King to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Jim Curtis, Internal Auditor for the City, to lead the Pledge of Allegiance.

PRESENTATIONS:

20090545 Award Presentation - Hal Cosper

Presentation of Chief Building Official of the Year Award to Hal Cosper, Building Inspector, by Tom Carty, of The Builders Association of Georgia, .

This matter was Presented.

PROCLAMATIONS:

20090575 Proclamation for Metro Ambulance

Mayor Bill Dunaway, Fire Chief Jackie Gibbs and Police Chief Dan Flynn present a Proclamation to CEO Pete Quinones and Supervisor Mitch Partello of Metro Ambulance Service for their professional service to our community.

This matter was Presented.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

A motion was made by Council member King, seconded by Council member King, to suspend the rules of order to add an item to the consent agenda regarding the donation of property at 267 Kennesaw Avenue for the purpose of sidewalk projects. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

*-under Ordinances: Agenda item 20090522 was removed from the agenda.
-under Other Business: Agenda item 2000548 was amended to add the following sentence: Subject to final and minor changes as may be approved by the City Manager and City Attorney. Council members Lewis and Walquist were also removed from being opposed.*

Mayor Dunaway opened the public hearing for items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member King, seconded by Council member Coleman, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

-Council member Goldstein abstaining on agenda items 20090511, 20090531, 20090533, 20090534, 20090540, 20090541, 20090549, 20090550, 20090552, 20090553, 20090554, 20090558, 20090560, 20090562, 20090566, 20090568, 20090569, 20090472 and 20090473.

MINUTES:

*** 20090513 Regular Meeting - May 13, 2009**

Review and approval of the May 13, 2009 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090514 Special Meeting - May 27, 2009**

Review and approval of the May 27, 2009 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

* **20090446 BLW Non - Resident (Post B) Vacancy**

Reappointment of Dr. Harlon Crimm as the Board of Lights and Water non-resident member for a term of four years, expiring July 11, 2013.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ORDINANCES:

* **20090511 Code Enforcement - 130 Parkview Drive**

[Ord 7321](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 130 Parkview Drive.

Listed Owner: Amado Rodriguez

Repeat Violation History: None

Certified mail receipt not received as of 05-28-09

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20090522 Code Enforcement - 369 Roselane Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 369 Roselane Street.

Listed Owner: Mashburn Kennon L & Tommy Jo

Repeat Violation History: (4) previous cases since (08/03/06)

Certified mail receipt received 05/16/09; signed by owner.

Taxes paid: Unpaid, \$733.27 owed for 2008

PUBLIC HEARING REQUIRED

This matter was Removed.

* **20090523** **Code Enforcement - 390 Scott Drive**

Ord 7323

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 390 Scott Drive SE.

Listed Owner: Cash James G

Repeat Violation History: (4) previous cases since (08/03/06)

Certified mail receipt received 08/03/06; signed by owner.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090531** **Code Enforcement - 1261 William Robert Drive**

Ord 7324

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1261 William Robert Drive.

Listed Owner: Ramon & Maria Mandujano

Repeat Violation History: None

Certified mail receipt not received as of 05/28/09

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20090532** **Code Enforcement - 129 Hedges Street**

Ord 7325

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 129 Hedges Street.

Listed Owner: Cindy L. Baker

Repeat Violation History: (5) cases since (01/27/05)

Certified mail receipt received 05/11/09

Taxes paid: Unpaid, owes \$2,219.18 for 2007 & 2008

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090533** **Code Enforcement - 77 Gramling Street**

[Ord 7326](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 77 Gramling Street.

Listed Owner: Sayag Arye N.

Repeat Violation History: (1) case since (02/11/09)

Certified mail receipt not received as of 05/28/09

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

*

20090534**Code Enforcement - 503 Burns Court**[Ord 7327](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 503 Burns Court.

Listed Owner: Rosalee Madlock

Repeat Violation History: (1) case since (08/18/08)

Certified mail receipt not received as of 05/28/09

Taxes paid: No, \$2,873.95 owed for 2007 & 2008

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

*

20090540**Code Enforcement - 496 Barnes Mill Drive**[Ord 7328](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.

Listed Owner: Lanham Marjorie Juanita

Repeat Violation History: (14) cases since (2001)

Certified mail receipt received 05/13/09; "Return to Sender/Not Deliverable as Addressed/Unable to Forward"

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20090541 Code Enforcement - 1129 Mountain View Drive**

[Ord 7329](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1129 Mountain View Drive.

Listed Owner: Kaur Suchinder & Singh Lakhwinder

Repeat Violation History: (4) cases since (2001)

Certified mail receipt received 05/11/09 "Return to Sender/Not Deliverable As Addressed/Unable to Forward" / No certified letter returned from other address.

Taxes paid: Unpaid, \$3,953.32 owed.

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20090549 Code Enforcement - 521 Atlanta Street**

[Ord 7330](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 521 Atlanta Street.

Listed Owner: Russell A. Mullins

Current Owner: Waymon Ahart (purchased August, 2008)

Repeat Violation History: None

Certified mail receipt not received as of 06/01/09

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

* **20090550 Code Enforcement - 482 Hyde Drive**

[Ord 7331](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 482 Hyde Drive.

Listed Owner: Sammie Jean Stacy & Betty Louise Stacy

Repeat Violation History: (6) previous cases since (05/15/09)

Certified mail receipt not received as of 06/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

- * **20090552** **Code Enforcement - 263 Alexander Street**
[Ord 7332](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 263 Alexander Street.
Listed Owner: Alan C. Nicholson
Repeat Violation History: (1) previous case since (10/24/08)
Certified mail receipt received 05/28/09; not signed by owner.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein
- * **20090553** **Code Enforcement - 126 South Avenue**
[Ord 7333](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 126 South Avenue.
Listed Owner: Gwen Wilcox Newberry
Repeat Violation History: (4) previous cases since (01-24-06)
Certified mail receipt received 05/23/09; signature not legibile.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein
- * **20090554** **Code Enforcement - 182 Wayland Street**
[Ord 7334](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 182 Wayland Street.
Listed Owner: Winter Marietta, LLC
Repeat Violation History: None
Certified mail receipt received 05/27/09; not signed by Officer of Corporation.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

- * **20090558** **Code Enforcement - 397 Windsor Drive**
[Ord 7335](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 397 Windsor Drive.
Listed Owner: Peter F. & Susan M. Polyak
Repeat Violation History: (3) previous cases since (05/21/07)
Certified mail receipt not received as of 05/29/09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

- * **20090560** **Code Enforcement - 341 W. Post Oak Crossing**
[Ord 7336](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 W. Post Oak Crossing.
Listed Owner: Erika S. Burse
Repeat Violation History: (12) previous cases since (05/07/02)
Certified mail receipt not received as of 05/29/09
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

- * **20090562** **Code Enforcement - 1461 Dallas Circle**
[Ord 7337](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1461 Dallas Circle.
Listed Owner: Callahan Larry S. Jr. & Shelli D.
Current Owner: U.S. Bank National Association (purchased April, 2009)
Repeat Violation History: (3) previous cases since (05/14/08)
Certified mail receipt received 05/14/09; not signed by Officer of Bank
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

- * **20090566** **Code Enforcement - 414 Water Oak Way**
[Ord 7338](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 414 Water Oak Way.
Listed Owner: Quesada Anibal & Pedro A. Marines Quesada Rosalia O.
Repeat Violation History: (3) previous cases since (07/20/05)
Certified mail receipt not received as of 05/29/09.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein
- * **20090568** **Code Enforcement - 199 Atwood Drive**
[Ord 7339](#) An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 199 Atwood Drive.
Listed Owner: Dorothy Clark Graham (Deceased)
Repeat Violation History: (3) previous cases since (08/26/94)
Certified mail receipt received 05/04/09; not signed by Officer of Sidus Financial, LLC
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein
- * **20090569** **Code Enforcement - 341 Austin Avenue**
[Ord 7322](#) [An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 Austin Avenue.
Listed Owner: EPIC VII LLC
Repeat Violation History: None
Certified mail receipt received 05/21/09; not signed by owner/agent.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1 **Approved**
Abstain: 1 - Philip M. Goldstein

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20090577 Denial of a claim**
Denial of the claim of Temecula Valley Bank.
This Matter was Approved to Deny Claim on the Consent Agenda.
Vote: 7 - 0 - 0 Approved to Deny Claim
- * **20090546 Denial of a Claim**
Denial of the claim of Adam Thomas.
This Matter was Approved to Deny Claim on the Consent Agenda.
Vote: 7 - 0 - 0 Approved to Deny Claim

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**

- * **20090472 Adoption of recommended Budget for FY2010**
[Ord 7317](#) Adoption of the Annual Budget for fiscal year ending June 20, 2010, for the various funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations. Further, the hotel/motel and 3% auto rental tax funds shall be allocated according to the FY2010 Preliminary Budget Welcome Center Contract Worksheet presented by staff.
- Council member Goldstein previously disclosed that he serves on the Board of Directors of the Welcome Center (Council appointee), has membership with the Marietta Museum of History, the Marietta-Cobb Museum of Art, and Cobb Landmarks & Historical Society. Further, Council Goldstein is the landlord for the Theatre in the Square and is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc., (Strand Theatre). Council member Goldstein abstains on matters dealing with Theatre in the Square and Friends of the Strand as it pertains to funding from the 3% auto tax.*

Mayor Dunaway previously disclosed that he is a member of Cobb Landmarks & Historical Society, and Friends of Brumby Hall. He serves on the Board of Directors of the Strand Theatre and is a member of the Marietta Museum of History. Further, his wife is a member of Marietta-Cobb Museum of Art and Georgia Ballet.

Council member Pearlberg previously disclosed that he is on the Marietta Museum of History Board of Directors; he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. Further, his wife is a member of the Georgia Ballet.

Council member Walquist previously disclosed that she is a member of the Marietta-Cobb Museum of Art, Cobb Landmarks & Historical Society and the Marietta Museum of History.

Council member Lewis previously disclosed that she is a member of the Marietta Museum of History.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090473 Welcome Center Contract**

C/A 3668

Approval of a request to allocate hotel/motel and 3% auto rental tax funds according to the FY2010 Preliminary Budget Welcome Center Contract Worksheet presented by staff and approve the FY2010 Welcome Center contract.

Council member Goldstein previously disclosed that he serves on the Board of Directors of the Welcome Center (Council appointee), has membership with the Marietta Museum of History, the Marietta-Cobb Museum of Art, and Cobb Landmarks & Historical Society. Further, Council Goldstein is the landlord for the Theatre in the Square and is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc., (Strand Theatre). Council member Goldstein abstains on matters dealing with Theatre in the Square and Friends of the Strand as it pertains to funding from the 3% auto tax.

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Council member Pearlberg previously disclosed that he is on the Marietta Museum of History Board of Directors; he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. Further, his wife is a member of the Georgia Ballet.

Council member Walquist previously disclosed that she is a member of the Marietta-Cobb Museum of Art, Cobb Landmarks & Historical Society and the Marietta Museum of History.

Council member Lewis previously disclosed that she is a member of the Marietta Museum of History.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090496**
[Ord 7320](#)

FY'09 Budget Amendment

Ordinance approving a Budget Amendment receiving and allocating funds from the East Park HOA for installation of speed tables.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20090276**
C/A 3667

Lease request by Verizon Communications

Motion to approve a Lease Agreement with Verizon Communications for the addition of a generator at the cell tower located at the Allgood fire department.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20090492**
[Ord 7318](#)

Ordinance Position Allocation Chart and Pay and Classification Plan

Ordinance adopting the position allocations to departments for the City of Marietta and the Board of Lights and Water and the City of Marietta/BLW position classification and compensation plans for the 2010 fiscal year.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

* **20090376 2005 SPLOST Interest Proceeds**

[Ord 7319](#)

Ordinance approving an amendment to the Fiscal Year 2009 budget to appropriate SPLOST interest proceeds for project implementation and to account for a project budget reallocation.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090579 Roswell Street Alternatives**

Motion approving the scope for the Roswell Street Median and Streetscapes project between Fairground Street and Victory Drive to include 4 lanes with median and streetscape enhancements indicated as Option 4 on the attached drawing.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20090490 White Street and Cogburn Avenue

Res 1462

Motion to authorize the closing of a portion of Cogburn Avenue and White Street within the City of Marietta.

Mayor Dunaway opened the public hearing regarding this matter and City Attorney Doug Haynie gave a brief description of the proposed closing of a portion of Cogburn Avenue and White Street.

Public Works Director Dan Conn presented plans showing the proposed closing of a portion of Cogburn Avenue and White Street for the public.

Speakers regarding this matter:

Ricky Bagley, who resides at 870 Cogburn Avenue, expressed concern about the closing of a portion of Cogburn Avenue.

Mr. Conn explained that the entire road would not be closed, but would shift slightly to the west closing a small portion.

Dr. Clem Doxey, who resides on N St. Mary's Lane, asked for further clarification regarding the proposed closing of a portion of Cogburn Avenue and White Street.

Mayor Dunaway closed the public hearing.

A motion was made by Council member Coleman, seconded by Council member King, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Mayor Pro tem Jim King presided over this portion of the agenda.

The following statement was made by Mayor Bill Dunaway about Violations of the City Code and Council Protocols and the duty of the Mayor:

Several weeks ago, Dr. Randolph Scott was quoted in the Marietta Daily Journal. His statements concerned what I have done as the Marietta Mayor in fulfilling my duty as spelled out in the City Code. Because of this public criticism of the duties of the Mayor by one individual, I must address these statements.

Dr. Scott seems to be trying to change my following Robert's Rules of Order into a Black/White issue when no issue exists. On behalf of Marietta and of myself, I repudiate and reject this accusation.

In an effort to give Dr. Scott more complete information, Dr. Scott did receive a letter and other information from me. I also asked him to view the video of the council meeting in question. The MDJ said that he was an assistant minister of the Pleasant Grove Baptist Church; the church told me that he was not on their ministerial staff. The paper also said that he was a professor at Chattahoochee Tech, but I have been told that, at one time, he was an adjunct instructor there.

I talked with him twice on the phone; I asked to meet with him at his convenience so that we could discuss his accusations and conviction of my actions. Even though he says he is a man of God, as such, he should hear from all the information available, but he refused to meet with me.

I have rarely had the need to talk about my past in Civil Rights. Because of this public attempt to make this into a City Black/White issue, I will now.

Very few people in this room can say they started standing up for Civil Rights and Integration while they were still students.

No one in this room can say, because of their very public stand and actions for Integration at University of Georgia in January, 1961, that they had the windows in their home and car shot out. No one in this room can say how they were beaten up for those same actions that January. No one in this room can say that they got shunned by their own fraternity and other so-called friends for the rest of his Senior Year.

No one in this room can say that they knowingly lost significant business in their family business because of their actions at the University of Georgia, and, later, lost even more business, and so called friends, because he chose to have the first locally owned business to integrate its food businesses in North Georgia. Dunaway Drug Stores was the first Drug Chain in Georgia to have Black management...actually Dunaway Drug Stores was the first Drug Chain in the Nation to have Black people in central management.

I am also proud of my work as an individual and as the Mayor in race relations in the past 8 years. Because of hard work by and with Marietta's Black Churches, other

Churches, the NAACP, the SCLC, and many other leaders, Marietta has not had any significant black-white problems in the past eight years that I know of, while I have been Mayor. I am very grateful for everyone's efforts. Among other things about my work as the Mayor, you should ask NAACP President Deane Bonner about my involvement with the Juneteenth Celebration and ask the SCLC of my involvement with the MLK Parade.

Yes, I do resent that Dr. Scott has tried to make a simple Robert's Rules of Order issue into a racial issue, for whatever reason. My mother started fighting racism in Dallas, Georgia in the 1930's, and later, through the churches here in Marietta.

She set a great example for the rest of her family. Dr. Scott, maybe you were here in Marietta during the 1950's and the 1960's, I don't know. I do know that I was here and I am proud of what, my family, Dunaway Drug Stores and I have accomplished.

There was nothing racial in Judge Jim Bodiford's reaction to Councilman Coleman's actions over a year ago.

There was nothing racial in Representative Alisha Thomas Morgan's reactions to Councilman Coleman's actions last winter.

There was nothing racial when the majority of the council reacted several months ago at a Committee of the Whole meeting when they walked out the room as a result of Councilman Coleman's actions.

At the last council meeting, there was nothing racial about my doing my duty as Mayor to enforce the City Code and Robert's Rules of Order. If anyone has a doubt about what occurred, they should first go to the city website and view the video of the May City Council Meeting.

All elected officials, particularly at the level of city elected officials, become role models for their communities.

The Marietta City Code is very specific about rules of conduct. Additionally, this city council, at its first retreat, unanimously adopted Protocols which spelled out specific rules of conduct. The Marietta Charter and Code also specifically spells out the Mayor's Duties. Among other things the Code states that the Mayor SHALL prosecute violations of the City Code by elected officials.

I hope this statement tonight fulfills my obligation to prosecute. By not prosecuting a violation in the legal definition, I could be violating the City Code myself

A majority of the Council has chosen to take no official action and no public action for recent public violations of both the City Code and of their own Protocols.

Since the Council has chosen to not discipline themselves; I will not do the discipline for them.

Robbie Huck, who resides at 191 Summit Avenue, expressed concern about the thought of losing their representation in Ward 1, as commented upon in the Marietta Daily Journal.

Joel Galt, son of Jean Galt who resides at 417 Attwood Drive, expressed concern about the condemnation of property located at 827 Roswell Street, which is owned by Mrs. Galt.

Mayor Dunaway presided over the remainder of the meeting.

OTHER BUSINESS:

20090467 V2009-12 Cecil Cox 750 Franklin Road

V2009-12 [VARIANCE] CECIL COX requests variances for property located in Land Lot 06450, Parcel 0010, 17th District, 2nd Section of Cobb County, Marietta, Georgia and being known as 750 Franklin Road. Variance to establish a gated community; and a variance to reduce the required minimum road width at a gate from 30 ft. to 22 ft. Also, the following are incorporated as stipulations to this request: (1) the elimination of five (5) parking spaces in order to create a driveway aisle for guest access; (2) Applicant shall comply with attachments A, B, and C (attached) [726.03] (3) Applicant shall allow access to the adjacent property owners. Ward 7

Mayor Dunaway opened the public hearing for this matter.

Bob Esterino requested a variance to establish a gated community and to reduce the required minimum road width at a gate from 30 ft. to 22 ft for property located at 750 Franklin Road. The following stipulations were also requested: (1) the elimination of five (5) parking spaces in order to create a driveway aisle for guest access; (2) Applicant shall comply with attachments A, B, and C.

Discussion was held regarding access to the adjacent property. The applicant agreed to allow the adjacent property owner access to the property at all times.

Mayor Dunaway closed the public hearing.

Motion to approve with the variance request to establish a gated community and to reduce the required minimum road width at a gate from 30 ft. to 22 ft for property located at 750 Franklin Road. The following stipulations were also incorporated as part of the variance request (1) the elimination of five (5) parking spaces in order to create a driveway aisle for guest access; (2) Applicant shall comply with attachments A, B, and C., (3) Applicant shall allow access to the adjacent property owners.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

20090468 V2009-13 Saima Ahmed 68 Black Street

V2009-13 [VARIANCE] SAIMA AHMED request a variance for property located in Land Lot 12150, 16th District, Parcel 0690, 2nd Section of Cobb County, Marietta, Georgia and being known as 68 Black Street. Variance to allow impervious surface encroachment within a required planted border area. Ward 5.

Mayor Dunaway opened the public hearing.

Saima Ahmed requested a variance for property located at 68 Black Street to allow impervious surface encroachment within a required planted border area in order to create additional parking.

In depth discussion was held between Council and staff regarding the configuration of the additional parking.

Mayor Dunaway closed the public hearing.

A motion was made by Council member Lewis, seconded by Council member Goldstein, to deny the variance request.

Further discussion was held.

A substitute motion was made to table this matter until the July 8, 2009 regular City Council meeting.

The motion was made by Council member Goldstein, seconded by Council member Lewis, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0

Tabled

*** 20090574 Clarke Library Lease**

C/A 3669

Motion approving a Lease Contract for the Clarke Library between the City of Marietta and K. Mike Whittle Designs, Inc.

Motion approving a Lease Contract for the Clarke Library between the City of Marietta and K. Mike Whittle Designs, Inc., subject to final and minor amendments approved by the City Manager and City Attorney.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved as Amended

* **20090548 Property Acquisitions**

Motion accepting donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following properties:

268 Kennesaw Avenue (W.M Christopher Stalcup)
274 Kennesaw Avenue (Eric J. & Sandra R. Waterman)

No stipulations

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090547 Property Acquisition**

Motion accepting donation of construction and driveway easements for the Kennesaw Avenue Improvements project, for the following property

298 Kennesaw Avenue, Ms. Maryann W. Park - with the following stipulations as outlined in Attachment "A"

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090611 Property Acquisitions**

Motion to accept the following donations of property and easements:

For the purpose of Fairground St. Improvements (Allgood Rd. to N. Marietta Pkwy):

500 N Fairground St from Ronald Ogunleye with no stipulations
376 N Fairground St from Kimberly & David Preuss with stipulations of both driveway aprons widened to seventeen (17') feet wide and contractor not to take longer than two (2) weeks on property once work has begun
384 N Fairground St from Gary & Debra Morgan with stipulations of two stumps to be removed and ground below finished grade elevation and if fence is removed for construction replace with "like kind"

For the purpose of Fairground St. Improvements (N. Marietta Pkwy to S. Marietta Pkwy):

528 Rigby St from David Sylvester Watts with no stipulations
200 N Fairground St from John R. Pensinger with stipulations to replace shrubbery "in kind" if damaged by contractor
140 S Fairground St from Wallace L. & Freddy L. Crowder with no stipulations
236 S Fairground St from Belene B. Hickman Living Trust with no stipulations
244 S Fairground St from Agape Properties with no stipulations

252 S Fairground St from Section 8 Offices LLC with no stipulations
262 S Fairground St from Ann B. Meyers with no stipulations
270 S Fairground St from Joseph D. Vogel with no stipulations

For the purpose of Roswell St. Improvements (Olive St. to Fairground St.):

462/480 Roswell Street from Ronald J. Dudley with stipulations of parking lot to remain in the same condition after demolition is complete.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090612 Property Acquisitions**

Motion authorizing partial property acquisition and easement acquisition of the following properties:

137 S. Fairground St. from 4-T Inc. in exchange for \$4,245 for Right of Way and Temporary Construction Easement for Fairground St. Improvements (N. Marietta Pkwy-S. Marietta Pkwy)

843 Roswell Street from W.E. Belcher Jr. in exchange for \$50,325 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Victory Dr-Cobb Pkwy)

602 Roswell Street from Wachovia in exchange for \$92,550 for Right of Way, Permanent Landscape Easement & Temporary Construction Easement for Roswell Street Improvements (Olive St-Fairground St.)-Value includes sign replacement

701 Sandtown Road from Sue Bishop Davis in exchange for \$20,580 for Right of Way for the Powder Springs Road Streetscape Project

400 Tower Road from Bengal Holdings, LLC in exchange for \$40,576 for purchase of Right of Way for the required Right of Way and Easements needed for the construction of the SR5 at Tower Road Intersection Improvement project. (See easement document for stipulations)

580 Saint Annes Road from David & Charon Shenberger in exchange for \$12,000 for Temporary Construction Easement for 2006 Sidewalk project

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090613 Property Acquisition - 710/720 Powder Springs Road**

Motion to authorize the acquisition of property owned by Oakwood Ventures, LLC on behalf of the City of Marietta by means of eminent domain. A

description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090614 Property Acquisition - 790/800/820 Powder Springs Road**

Motion to authorize the acquisition of property owned by Chestnut Powder, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090615 Property Acquisition- 827 Roswell Street**

Motion to authorize the acquisition of property owned by Jean L. Galt on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090544 Approval of BLW Minutes Item**

Request for approval of the May 11, 2009 BLW Action to approve agenda item 20090412, Adoption of Marietta Board of Lights and Water FY10 Budget.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090516 BLW Actions of June 8, 2009**

Review and approval of the June 8, 2009 actions and minutes of the Marietta

Board of Lights and Water Works (BLW).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 8:16 p.m.

Date Approved: July 8, 2009

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk